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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Yolo)

In re V.S., a Person Coming Under the Juvenile Court
Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

V.S.,

Defendant and Appellant.

C086576

(Super. Ct. No. JDSQ16522)

V.S. (the minor) and her friends lured the victim to a park, robbed him, beat him, and stole his car. The juvenile court adjudicated the minor a ward of the court (Welf. & Inst. Code, § 602) based upon true findings the minor committed the crimes of robbery (count one), conspiracy to commit robbery and/or assault likely to produce great bodily injury (count two), assault by means of force likely to produce great bodily injury (count three), and assault with a deadly weapon (count four). The juvenile court committed the

minor to the Yolo County Juvenile Detention Facility for a period of 90 to 180 days that could be served, at the probation officer's discretion, on the Probation Department GPS Program. On appeal, the minor argues the evidence was insufficient to support the true findings. We affirm.

BACKGROUND

On August 5, 2015, the minor was at her friend M.T.'s house, approximately one block away from Campbell Park. The victim and M.T. connected through an internet social media site, and after some online conversation, they agreed M.T. and the minor would meet the victim at Campbell Park and have sex for money. M.T. listed prices for particular acts and told the victim he had to pay up front.

That night, M.T. also spoke with L.A.¹ and they discussed setting up a man to be robbed at the park. She told him to get to the park and meet them.

M.T., J.A., and the minor sent text messages to each other that day and night in which J.A. tells the minor to "steal a car" and the minor says she is going to that night. She also tells him they cannot take M.T.'s mother's car, and then says, "we just gunna set this nigga up tonight, we already got it planned."

When L.A. got to the park, M.T. was there with the minor and four or five guys he had never met before. When the victim arrived at the park, M.T. and the minor approached him in his car. The minor asked him for the money and M.T. suggested they go to another part of the park. The victim got out of his car and walked across the park with the minor and M.T. on either side of him. As M.T. and the minor took the victim farther into the park, the guys M.T. and the minor had been with earlier were texting, "get ready."

¹ In separate proceedings, L.A. was prosecuted and pleaded to a robbery. He testified in this case under a grant of immunity.

Six males then attacked the victim, hitting him in the face. The victim ran. He bounced off a chain link fence and fell to the ground. The males continued to beat him while he was on the ground in the fetal position. They punched him, kicked him, and hit him with some kind of bat or other weapon. The victim begged them to leave him alone and offered them money. They took his wallet, two cell phones, and car keys. M.T. and the minor kept a lookout, and moved with the fighting. They did not say anything to stop the assault. The males finally left the victim. He started to move and heard either M.T. or the minor yell, "He's still up. Hit him again." As the victim made his way out of the park to a nearby house, he looked back and saw the group getting into their car and his car.

The victim's face was swollen and bloody. Paramedics treated the victim at the scene and took him to the hospital. He sustained extensive bruising to his knee and a broken nose. Detective Towle showed the victim a photographic lineup. He was most confident identifying the minor in the lineup, but he could not identify her "for sure."

Early the next morning, a San Francisco police officer responded to a call and found the victim's vehicle abandoned in the middle of a roadway. During a subsequent search of the vehicle, officers found a bottle of alcohol, white purse, black makeup bag, and a tube of makeup product. Those items were not the victim's. They also found the victim's car keys and cell phone. Later that same morning, M.T. called her mother and told her she was in San Francisco and needed a ride home. M.T.'s mother picked up M.T., the minor, "and another boy" and brought them home.

The minor, M.T., and J.A. were arrested the next day after being seen exiting a stolen vehicle following a high-speed chase. Detective Pablo Gonzales interviewed the minor after the arrest. The minor was defiant, denied any involvement in the robbery, denied the text messages were from her phone, and stated the detective could not prove it was her. She also stated that being identified by the victim did not mean it was her. She

asked whether the victim was going to be prosecuted for soliciting sex from underage girls.

DISCUSSION

The minor contends the evidence was insufficient to support the true findings for robbery and assault with force likely to produce great bodily injury. In making this claim, she does not challenge the sufficiency of the evidence to support the claim that a robbery, assault by means of force likely to produce great bodily injury, or assault with a deadly weapon were committed. Rather, she claims there was not sufficient evidence she aided and abetted the commission of these offenses.

Separately, she contends there was insufficient evidence she conspired with others to commit robbery or assault. She specifically contends there was no evidence she had the specific intent to agree or conspire to commit an offense, except for possibly “sexual misconduct.” We disagree as to both claims.

Substantial Evidence Standard

“ ‘The standard of proof in juvenile proceedings involving criminal acts is the same as the standard in adult criminal trials.’ [Citation.]” (*In re Cesar V.* (2011) 192 Cal.App.4th 989, 994.) “ ‘ “This court must view the evidence in a light most favorable to respondent and presume in support of the judgment the existence of every fact the trier could reasonably deduce from the evidence. [Citation.] If the circumstances reasonably justify the trial court’s findings, reversal is not warranted merely because the circumstances might also be reasonably reconciled with a contrary finding. [Citations.] The test on appeal is whether there is substantial evidence to support the conclusion of the trier of fact.” ’ ’ ” (*Id.* at p. 995.)

Aiding and Abetting

“[A] person who aids and abets the commission of a crime is a ‘principal’ in the crime, and thus shares the guilt of the actual perpetrator.” (*People v. Prettyman* (1996)

14 Cal.4th 248, 259, citing § 31.) “ ‘[A] person aids and abets the commission of a crime when he or she, acting with (1) knowledge of the unlawful purpose of the perpetrator; and (2) the intent or purpose of committing, encouraging, or facilitating the commission of the offense, (3) by act or advice aids, promotes, encourages or instigates, the commission of the crime.’ ” (*People v. Gonzales* (2011) 52 Cal.4th 254, 295–296, quoting *People v. Beeman* (1984) 35 Cal.3d 547, 561.) “Whether a person has aided and abetted in the commission of a crime is a question of fact, and on appeal all conflicts in the evidence and attendant reasonable inferences are resolved in favor of the judgment.” (*In re Juan G.* (2003) 112 Cal.App.4th 1, 5, fns. omitted.) Acting as a lookout “necessarily encourages and facilitates the commission of the offense. ‘Such conduct is a textbook example of aiding and abetting.’” (*People v. Campbell* (1994) 25 Cal.App.4th 402, 409.)” (*In re Gary F.* (2014) 226 Cal.App.4th 1076, 1081.) Among the other “factors which may be considered in determining aiding and abetting are: presence at the crime scene, companionship, and conduct before and after the offense.” (*In re Juan G.*, at p. 5, fns. omitted.)

Conspiracy

“ ‘Conspiracy requires two or more persons agreeing to commit a crime, along with the commission of an overt act, by at least one of these parties, in furtherance of the conspiracy. (*People v. Swain* (1996) 12 Cal.4th 593, 600; see §§ 182, subd. (a)(1), 184.) A conspiracy requires (1) the intent to agree, and (2) the intent to commit the underlying substantive offense.’” (*People v. Bogan* (2007) 152 Cal.App.4th 1070, 1074.)” (*People v. Homick* (2012) 55 Cal.4th 816, 870.) “Other than the agreement, the only act required is an overt act by any of the conspirators, not necessarily the defendant, and that overt act need not itself be criminal. [Citation].” (*People v. Smith* (2014) 60 Cal.4th 603, 616.) “The existence of a conspiracy may be inferred from the conduct, relationship, interests, and activities of the alleged conspirators before and during the alleged conspiracy.

[Citations.]” (*People v. Cooks* (1983) 141 Cal.App.3d 224, 311.) “[T]he existence and nature of the relationship among the conspirators is undoubtedly relevant to whether such agreement [to commit a crime] was formed, particularly since such agreement must often be proved circumstantially.” (*Homick*, at p. 870.) “[A]n aider and abettor, like a conspirator, is liable for unintended crimes.” (*Smith*, at p. 615.)

Analysis

Here, the relationships between the minor and the other criminal participants, her conduct and activities with them before and after the crimes, and her presence at the scene amply support the juvenile court’s conclusion the minor knew of and shared the criminal intent to rob and assault the victim, and she aided, promoted, and encouraged the commission of the robbery and assaults; and she agreed with M.T. to commit a robbery of the victim and there was an overt act in furtherance of their agreement.

The minor was friends with M.T. and J.A., and spent time with them before and after the robbery and assaults. She and M.T. were together as M.T. set the victim up to meet them at the park. M.T. told L.A. they were setting up a robbery of a man at the park, the minor told J.A. she was going to steal a car that night, and that they had already planned to set someone up to take his car. The minor went to the park with M.T. She walked with M.T. and the victim, guiding him further into the park. She stood by as a lookout while the assaults and robbery of the victim took place. The next morning, the victim’s car was found in San Francisco; the minor was also in San Francisco, still with M.T. The following day, she was again with M.T. in another stolen vehicle. It was reasonable for the trial court to infer from this evidence that, at a minimum, the minor knew about the plan to rob and assault the victim, intended to facilitate the commission of the offenses, and aided, promoted or encouraged them. It was also reasonable for the juvenile court to infer the minor and M.T. agreed to rob the victim and steal his car and

that they took an overt action in furtherance of this agreement. Based on this record, we conclude there was substantial evidence supporting the true findings.

DISPOSITION

The orders of the juvenile court are affirmed.

_____/s/
HOCH, J.

We concur:

_____/s/
HULL, Acting P. J.

_____/s/
MURRAY, J.